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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,248

08/28/2003

James Guo

7192

7590

04/11/2005

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EXAMINER

WOOD, KIMBERLY T

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Failure to Acceptably Respond to
Notice of Non-Compliant Amendment (37 CFR 1.121)
No New Time Period for Reply is Provided**

The amendment document filed on 1-13-05 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 12-22-04. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, **and** (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See attachment

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

Supervisory Legal Instruments Examiner (SLIE)

105.306.2940
Telephone No.

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The reply filed on January 12, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment does not include the correct status identifiers for the claims nor does it include all of the claims in the application. The applicant's response filed on October 11, 2005 included an amendment wherein the applicant attempted to cancel claims 1-7 and add new claims 8-16. Based on this submission by the applicant on October 11, 2005 the claims in the application would only include claims 8-16 and any additional claims would have to be numbered according to the next number (e.g claim 17). The applicant's amendment filed on January 12, 2005 includes claims 1-10. This is not a correct listing of the claims since claims 1-7 had been previously deleted in the amendment filed on October 11, 2005. Claims 11-16 of the previous amendment filed on October 11, 2005 have not been listed with the correct status identifiers. The applicant should submit a listing of all the claims in the application this would include claims 1-7 having the status identifier (canceled) and claims 8-16 with the appropriate status identifier. (1) The current status of all of the claims in the application must be given in a parenthetical expression following the claim number using only one of the following seven status identifier: (original), (currently amended), (canceled),

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(withdrawn), (new), (previously presented) and (not entered). Canceled and not entered claims must be indicated by only the claim number and status, without presenting the text of the claims. (2) The text of all claims being currently amended must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for deletion of five characters or fewer, double brackets may be used (e.g., [[error]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]). Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings. (3) The text of pending claims not being currently amended, including withdrawn claims, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims. (4) A claim being canceled must be listed in the claim listing with the status identifier "canceled"; the text of the claim must not be

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presented. Providing an instruction to cancel is optional. (5)

Any claims added by amendment must be presented in the claim

listing with the status identifier "(new)"; the text of the

claim must not be underlined. (6) All of the claims in the claim

listing must be presented in ascending numerical order.

Consecutive canceled, or not entered, claims may be aggregated

into one statement (e.g., Claims 1-5 (canceled)). See 37 CFR

1.111.